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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DONNA RATLIFF, individually and on) Case No.
behalf of all others similarly situated,)

Plaintiff,)

vs.)

PROSPECT MEDICAL HOLDINGS,)
INC. dba SOUTHERN CALIFORNIA)
HOSPITAL AT CULVER CITY,)

Defendant.)

CLASS ACTION

**COMPLAINT FOR VIOLATIONS
OF:**

1. NEGLIGENT VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227 ET
SEQ.]
2. WILLFUL VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227 ET
SEQ.]

DEMAND FOR JURY TRIAL

Plaintiff Donna Ratliff ("Plaintiff"), individually and on behalf of all others
similarly situated, alleges the following upon information and belief based upon
personal knowledge:

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1 **NATURE OF THE CASE**

2 1. Plaintiff brings this action individually and on behalf of all others
3 similarly situated seeking damages and any other available legal or equitable
4 remedies resulting from the illegal actions of Prospect Medical Holdings, Inc. dba
5 Southern California Hospital at Culver City (“Defendant”) in negligently,
6 knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular telephone in
7 violation of the Telephone Consumer Protection Act, 47. U.S.C. § 227 *et seq.*
8 (“TCPA”), thereby invading Plaintiff’s privacy.

9 **JURISDICTION & VENUE**

10 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,
11 a resident of California, seeks relief on behalf of a Class, which, upon information
12 and belief, will result in at least one class member belonging to a different state
13 than that of Defendant, a company with its principal place of business and State of
14 Incorporation in Delaware. Plaintiff also seeks up to \$1,500.00 in damages for
15 each call in violation of the TCPA, which, when aggregated among a proposed
16 class in the thousands, exceeds the \$5,000,000.00 threshold for federal court
17 jurisdiction. Therefore, both diversity jurisdiction and the damages threshold under
18 the Class Action Fairness Act of 2005 (“CAFA”) are present, and this Court has
19 jurisdiction.

20 3. Venue is proper in the United States District Court for the Central
21 District of California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a)
22 because Defendant does business within the County of Los Angeles and the Central
23 District of California.

24 **PARTIES**

25 4. Plaintiff, Donna Ratliff (“Plaintiff”), is a natural person residing in
26 Los Angeles, California and is a “person” as defined by 47 U.S.C. § 153 (10).

27 5. Defendant, Prospect Medical Holdings, Inc. dba Southern California
28 Hospital at Culver City (“Defendant”), is a Southern California hospital and care

1 facility, and is a “person” as defined by 47 U.S.C. § 153 (10).

2 **FACTUAL ALLEGATIONS**

3 6. At various and multiple times prior to the filing of the instant
4 Complaint, including within the one year preceding the filing of this Complaint,
5 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6 7. On or about August 26, 2015, Defendant contacted Plaintiff on her
7 cellular telephone in an attempt to collect an alleged outstanding debt stemming
8 from medical services rendered.

9 8. As an illustrative example (and not one of limitation), Defendant
10 contacted or attempted to contact Plaintiff on or about August 26, 2015 at 12:34
11 p.m., and on or about August 31, 2015 at 6:11p.m.

12 10. Defendant used an “automatic telephone dialing system”, as defined
13 by 47 U.S.C. § 227(a)(1) to place its daily calls to Plaintiff seeking to collect the
14 debt allegedly owed.

15 11. Furthermore, Defendant utilized a prerecorded voice when leaving
16 the message for Plaintiff, as prohibited by 47 U.S.C. §227(1)(A)(i).

17 12. As an illustrative example (and not one of limitation), Defendant left
18 the following voicemail using a prerecorded voice:

19
20 This is Patient Accounting Department of Southern California
21 Hospital at Culver City, calling regrading a personal business matter
22 for Donna Lynn Ratliff. Please contact us at your earliest
23 convenience. You may reach us Monday through Friday 8 a.m. to
24 5:30 p.m. at 1(800) 404-6627. Please use reference number
25 5001168850001 when calling. If we have reached this number in
26 error, please contact us 1(800) 404-6627, so we can remove your
27 phone number from our records. We appreciate the opportunity to
28 serve you, and are available to speak with you should any questions
arise. Again, this is the Patient Department of Southern California
Hospital at Culver City, calling regarding a personal business matter
for Donna Lynn Ratliff. Please contact us at your earliest
convenience. You may reach us Monday through Friday 8 a.m. to

1 5:30 p.m. at 1(800) 404-6627. Please use reference number
2 5001168850001 when calling. If we have reached this number in
3 error, please contact us 1(800) 404-6627, so we can remove your
4 phone number from our records. We appreciate the opportunity to
5 serve you, and are available to speak with you should any questions
6 arise. Thank you and goodbye.

7 13. Defendant's calls constituted calls that were not for emergency
8 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

9 14. Defendant's calls were placed to telephone number assigned to a
10 cellular telephone service for which Plaintiff incurs a charge for incoming calls
11 pursuant to 47 U.S.C. § 227(b)(1).

12 15. During all relevant times, Defendant did not possess Plaintiff's "prior
13 express consent" to receive calls using an automatic telephone dialing system or an
14 artificial or prerecorded voice on her cellular telephone pursuant to 47 U.S.C. §
15 227(b)(1)(A).

16 16. As a result of the above violations of the TCPA, Defendant is liable to
17 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's
18 fees.

19 **CLASS ALLEGATIONS**

20 17. Plaintiff brings this action individually and on behalf of all others
21 similarly situated, as a member of the proposed class (hereafter "The Class")
22 defined as follows:

23 All persons within the United States who received any
24 collection telephone calls from Defendant to said
25 person's cellular telephone made through the use of any
26 automatic telephone dialing system or an artificial or
27 prerecorded voice and such person had not previously
28 consented to receiving such calls within the four years
prior to the filing of this Complaint

1 18. Plaintiff represents, and is a member of, The Class, consisting of all
2 persons within the United States who received any collection telephone calls from
3 Defendant to said person's cellular telephone made through the use of any
4 automatic telephone dialing system or an artificial or prerecorded voice and such
5 person had not previously not provided their cellular telephone number to
6 Defendant within the four years prior to the filing of this Complaint.

7 19. Defendant, its employees and agents are excluded from The Class.
8 Plaintiff does not know the number of members in The Class, but believes the Class
9 members number in the thousands, if not more. Thus, this matter should be
10 certified as a Class Action to assist in the expeditious litigation of the matter.

11 20. The Class is so numerous that the individual joinder of all of its
12 members is impractical. While the exact number and identities of The Class
13 members are unknown to Plaintiff at this time and can only be ascertained through
14 appropriate discovery, Plaintiff is informed and believes and thereon alleges that
15 The Class includes thousands of members. Plaintiff alleges that The Class
16 members may be ascertained by the records maintained by Defendant.

17 21. Plaintiff and members of The Class were harmed by the acts of
18 Defendant in at least the following ways: Defendant illegally contacted Plaintiff
19 and Class members via their cellular telephones thereby causing Plaintiff and Class
20 members to incur certain charges or reduced telephone time for which Plaintiff and
21 Class members had previously paid by having to retrieve or administer messages
22 left by Defendant during those illegal calls, and invading the privacy of said
23 Plaintiff and Class members.

24 22. Common questions of fact and law exist as to all members of The
25 Class which predominate over any questions affecting only individual members of
26 The Class. These common legal and factual questions, which do not vary between
27 Class members, and which may be determined without reference to the individual
28 circumstances of any Class members, include, but are not limited to, the following:

- a. Whether, within the four years prior to the filing of this Complaint, Defendant made any collection call (other than a call made for emergency purposes or made with the prior express consent of the called party) to a Class member using any automatic telephone dialing system or any artificial or prerecorded voice to any telephone number assigned to a cellular telephone service;
- b. Whether Plaintiff and the Class members were damages thereby, and the extent of damages for such violation; and
- c. Whether Defendant should be enjoined from engaging in such conduct in the future.

23. As a person that received numerous collection calls from Defendant using an automatic telephone dialing system or an artificial or prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of The Class.

24. Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

25. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court

1 system, and protects the rights of each Class member.

2 26. The prosecution of separate actions by individual Class members
3 would create a risk of adjudications with respect to them that would, as a practical
4 matter, be dispositive of the interests of the other Class members not parties to such
5 adjudications or that would substantially impair or impede the ability of such non-
6 party Class members to protect their interests.

7 27. Defendant has acted or refused to act in respects generally applicable
8 to The Class, thereby making appropriate final and injunctive relief with regard to
9 the members of the Class as a whole.

10 **FIRST CAUSE OF ACTION**

11 **Negligent Violations of the Telephone Consumer Protection Act**

12 **47 U.S.C. §227 et seq.**

13 28. Plaintiff repeats and incorporates by reference into this cause of
14 action the allegations set forth above at Paragraphs 1-27.

15 29. The foregoing acts and omissions of Defendant constitute numerous
16 and multiple negligent violations of the TCPA, including but not limited to each
17 and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

18 30. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et*
19 *seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory
20 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

21 31. Plaintiff and the Class members are also entitled to and seek
22 injunctive relief prohibiting such conduct in the future.

23 **SECOND CAUSE OF ACTION**

24 **Knowing and/or Willful Violations of the Telephone Consumer Protection** 25 **Act**

26 **47 U.S.C. §227 et seq.**

27 32. Plaintiff repeats and incorporates by reference into this cause of
28 action the allegations set forth above at Paragraphs 1-30.

33. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

34. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

35. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 .S.C. §227 et seq.

36. As a result of Defendant's negligent violations of *47 U.S.C. §227(b)(1)*, Plaintiff and the Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to *47 U.S.C. 227(b)(3)(B)*.

37. Any and all other relief that the Court deems just and proper.

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection Act

47 .S.C. §227 et seq.

38. As a result of Defendant's willful and/or knowing violations of *47 U.S.C. §227(b)(1)*, Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to *47 U.S.C. §227(b)(3)(B)* and *47 U.S.C. §227(b)(3)(C)*.

1 39. Any and all other relief that the Court deems just and proper.

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3 Respectfully Submitted this 16th Day of January, 2016.

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5 LAW OFFICES OF TODD M. FRIEDMAN, P.C.

6
7 By: /s/ Todd M. Friedman
8 Todd M. Friedman
9 Law Offices of Todd M. Friedman
10 Attorney for Plaintiff
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